

**TESTIMONY BEFORE THE HOUSE JUDICIARY COMMITTEE
IN SUPPORT OF SB 43**

Hon. Lisa Sullivan
Clinton County Probate and Family Division Judge

February 21, 2013

Good morning. My name is Lisa Sullivan. I serve as a Probate and Family Division Judge for Clinton County, and I have been asked by my colleagues on the Clinton and Gratiot County benches to represent them this morning to express our unanimous support for SB 43.

By way of brief background, the 2011 Judicial Resources Recommendation (JRR) concluded that the number of judges for the 29th Circuit, which is made up of Clinton and Gratiot Counties, should be reduced from six to five. Based on the weighted caseloads and anticipated retirement dates of the sitting judges (for attrition purposes), the Gratiot County Probate Judgeship was slated for elimination. In anticipation of this change, the judges in the two counties met to discuss a redistribution of the cases currently assigned to the Gratiot County Probate Judge. Again, given the actual caseload, the types of cases involved, and the use of referees by that Court, the redistribution could be absorbed with minimal disruption to litigants. Unfortunately, the final version of the bill to implement the 2011 JRR eliminated the Clinton County District Judgeship instead.

This unexpected change is contrary to the JRR objectives and presents a number of significant problems. In particular, the 2011 JRR recognized that the existing Clinton County District Court caseload is weighted as needing **more than one judge**. In fact, this District Court is the busiest of all the district courts in SCAO's Region 3. By comparison, it handles approximately 25,000 cases each year -- 10,000 more cases per year than the Gratiot County District Court. The redistribution of this volume cannot be accomplished without significant

disruption to the access and timeliness in the administration of justice both for the District Court litigants and for the parties involved in cases currently before the other judges. These delays are, also, problematic because many of the cases before the remaining judges involve matters with mandatory time requirements, such as the neglect and felony criminal proceedings. Moreover, District Court handles a significant number of jury trials. Trying to balance current docket demands with the need for continuity and witness availability for this many trials would be an administrative nightmare and would, most certainly, not be the most effective use of judicial resources.

SB 43 offers a workable solution to the problem facing the 29th Circuit. In keeping with the 2011 JRR, the bill would eliminate by attrition one of the judgeships. At this point, a new Gratiot County Probate judge has already been elected. Therefore, SB 43 proposes to eliminate the next available Circuit Court Judgeship. This elimination would happen no later than 2020 but could happen earlier if there were a vacancy. Because of the Family Division plan for the counties, the existing docket needs could be better absorbed through this plan with fewer delays, less chance of conflict, and minimal disruption for litigants.

SB 43 is supported by all of the judges in Clinton and Gratiot Counties, the Clinton County Board of Commissioners, the Clinton County Prosecutor and SCAO. The Senate passed SB 43 unanimously, and I am here asking for your support as well. Thank you.